

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-07-0156 MMC

Plaintiff,

**ORDER VACATING APRIL 22, 2009
HEARING**

v.

PRINCE THEO JOHNSON,

Defendant

On April 10, 2009, defendant Prince Theo Johnson filed a Motion to Strike Count Two, and noticed a hearing on said motion for April 22, 2009.¹ On April 17, 2009, the United States filed a response in which it states it "will move to dismiss Count Two," and, in light thereof, requests the April 22, 2009 hearing be vacated.

Under the circumstances, the Court hereby VACATES the April 22, 2009 hearing. The parties are directed to appear before the Court for the previously-scheduled May 27, 2009 sentencing hearing, on which date the United States will move for dismissal of Count Two.

IT IS SO ORDERED.

Dated: April 20, 2009


MAXINE M. CHESNEY
United States District Judge

¹Defendant has failed to provide a chambers copy of the motion. For future reference, defendant is reminded of the following provision in General Order 45: In all cases subject to ECF, . . . the parties are required to lodge for chambers no later than noon on the business day following the day that the papers are filed electronically, one paper copy of each document that is filed electronically . . . clearly marked with the judge's name, case number, and 'Chambers Copy-Do Not File.'" See General Order 45 § VI.G.